

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NORTH AMERICA PHOTON
INFOTECH, LTD

Plaintiff,

v.

DISCOVERORG, LLC,

Defendant.

Civil Action No. 1:20-cv-02180-JSR

[PROPOSED] ORDER GRANTING REQUEST TO SEAL

WHEREAS North America Photon Infotech, Ltd. (“Photon”) and DiscoverOrg, LLC (“DiscoverOrg,” and collectively with Photon, the “Parties”) have jointly sought leave to file under seal, pursuant to this Court’s Individual Rules of Practice, Rules 2(b) and 14, certain documents and any references to those documents in relation to each of the Parties anticipated motions for summary judgment along with any related answering and reply motion papers, and the Parties having jointly participated in a telephone conference with this Court on September 23, 2020;

WHEREAS Photon intends on filing its moving papers in support of its Notice of Motion for Summary Judgment (ECF No. 64) on September 25, 2020, and as part of that motion, Photon seeks to file certain documents under seal in an unredacted form;

WHEREAS DiscoverOrg intends on filing its moving papers in support of its Notice of Motion for Summary Judgment (ECF No. 63) on September 25, 2020, and as

part of that motion, DiscoverOrg seeks to file certain documents under seal in an unredacted form;

WHEREAS the Parties anticipate the need to file under seal portions of the moving papers for summary judgment as well as the answering papers due on October 9, 2020 and reply papers due on October 23, 2020 in relation to the summary judgment motions involving references to and including certain type of documents;

WHEREAS the Parties have explained to this Court that the documents and references to the information in those documents, which are sought to be filed under seal contain confidential information involving the following categories of information: (i) non-public pricing information of DiscoverOrg; (ii) the contractual agreement between the Parties, which this Court has previously granted sealing of (ECF No. 51); (iii) DiscoverOrg's proprietary data that is provided to its users, who are subject to a confidentiality agreement; and (iv) information involving nonpublic processes used by DiscoverOrg to monitor unauthorized or improper uses of its data by existing and former clients including as set forth in email correspondence and Excel spreadsheets relating to the same;

WHEREAS the Parties have explained that there is no less restrictive means of providing this information to the Court other than sealing the various documents and reference to the information within those documents;

NOW THEREFORE, having considered the request, the Court hereby GRANTS the Parties' sealing request. The Clerk is directed to file the related summary judgment motions and any answering and reply papers under seal. The Parties are also directed to

file redacted versions at the same time of filing their moving, answering, and reply papers for summary judgment.

IT IS SO ORDERED.

Dated: Sept. 25, 2020



HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE